

<sup>4</sup>Request at 1-2.

be surrendered for cancellation if, after eight months from the grant of the authorization, at least fifty percent of the customers served by the system were not unaffiliated with the licensee. The eight-month period ended on March 24, 1997. On November 25, 1998, twenty months after the end of such period, Universal filed the subject extension request, which indicated that Universal was not in compliance with the 50-50 affiliation requirement.<sup>5</sup> Because Universal did not comply with the 50-50 affiliation requirement or seek an extension of time on or before March 24, 1997, Universal failed to fulfill the condition and was required, by the terms of its authorization grant, to surrender its license for Station WPNB813 for cancellation as of March 25, 1997. Therefore, we find its request to extend the temporary waiver filed in November 1998 to be moot.

4. Accordingly, pursuant to authority contained in Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), IT IS ORDERED that the Request filed by Universal on November 25, 1998, IS DISMISSED. In addition, IT IS FURTHER ORDERED that Universal surrender its license for Station WPNB813 for cancellation within 30 days of the release of this *Order*. In the event that Universal fails to surrender such license for cancellation within 30 days of the release of this *Order*, the License and Technical Analysis Branch of the Public Safety and Private Wireless Division will be instructed TO CANCEL the license for Station WPNB813 in accordance with this *Order*.

5. This action is taken pursuant to delegated authority granted under the provisions of Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

D'wana R. Terry  
Chief, Public Safety & Private Wireless Division  
Wireless Telecommunications Bureau

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<sup>5</sup>In addition, we note that shortly after the condition expired, Universal informed the Commission staff that it would soon be in compliance with the 50-50 affiliation requirement, and requested a 90-day extension of the condition. See Letter from Joseph H. Reifer, counsel for Universal, to the Licensing and Technical Analysis Branch (March 26, 1997). Such extension request still was untimely and in light of the subject Request, it appears that Universal failed to come into compliance within the additional ninety days requested.